

Title 15 - Mississippi Department of Health

Part III – Office of Health Protection

Subpart 60 – Professional Licensure

CHAPTER 10 REGULATIONS GOVERNING LICENSURE OF SPEECH- LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

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CHAPTER 10 REGULATIONS GOVERNING LICENSURE OF SPEECH- LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

100 GENERAL

100.01 **Purpose** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer speech-language pathology or audiology services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering speech-language pathology or audiology services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in these regulations.

100.02 Legal Authority:

1. The Mississippi State Board of Health shall be empowered under Title 73, Chapter 38, Mississippi Code of 1972 Annotated, to license qualified applicants in the practice of speech-language pathology and audiology.
2. The Mississippi State Board of Health shall promulgate such rules as are necessary to provide for the licensing of speech-language pathologists, audiologists, speech-language pathology aides, and audiology aides.
3. The principal offices of the Mississippi State Board of Health and the Mississippi Council of Advisors in Speech-Language Pathology and Audiology are located in the Mississippi State Department of Health building, 570 East Woodrow Wilson, Jackson, Mississippi 39216.

100.03 Definitions:

1. **Board** means the Mississippi State Board of Health.
2. **Council** means the Mississippi Council of Advisors in Speech-Language Pathology and Audiology.
3. **ASHA** means the American Speech-Language Hearing Association.
4. **Department** is the Mississippi State Department of Health.

- 100.04 **Publication** The Department shall publish, annually, a list of the names and addresses of all persons licensed by the Board as speech-language pathologists and audiologists and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded.

101 **SPEECH-LANGUAGE PATHOLOGY/AUDIOLOGY ADVISORY COUNCIL ("COUNCIL")**

- 101.01 **Council Structure and Purpose** The Council shall consist of seven (7) members as set forth in (73-38-11 of the Code, for the terms indicated therein, and shall serve under the jurisdiction of the State Board of Health. The purpose of the Council is to serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Act.

- 101.02 **Meetings** The Council shall meet at least twice each year, with the first meeting being in January. Additional meetings may be held, at the discretion of the chairperson of the Council or any two council members. A quorum shall consist of four (4) members of the Council, including one speech-language pathologist and one audiologist present, and shall be necessary for the Council to take action by vote.

A notice of meeting shall be published in a newspaper of general circulation in the state not less than ten (10) days prior to any meeting.

102 **STATE BOARD OF HEALTH ("BOARD")**

- 102.01 **Responsibilities** The Board, with the advice of the council, shall:

1. establish examination, licensing, and renewal of license criteria for applicants;
2. maintain an up-to-date list of all individuals licensed to practice speech-language pathology or audiology, with such list being available, upon request, to the public;
3. conduct disciplinary hearings, upon specified charges, of a licensee;
4. refer disciplinary actions of any individual engaged in the practice of speech-language pathology or audiology to the appropriate government agency for prosecution, whether licensed or otherwise, or, in its discretion, refer same to the appropriate committee or council;
5. maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied and make such list available to public inspection and supply such list to similar regulatory boards in other states or jurisdictions;

6. keep a record of all proceedings of the Board, and make said record available to the public; and
7. direct the Department to promulgate and implement rules and procedures to carry out the purpose of the Act.

103 LICENSURE

103.01 General Requirements:

1. An application for a license as a speech-language pathologist or audiologist shall be submitted to the State Board of Health at its principal office in Jackson on an application form provided by the State Board of Health.
2. Every application shall be typed or written in ink, signed under the penalty of perjury, and accompanied by the appropriate fee and by such evidence, statements, or documents as therein required.
3. Approved applications and all documents filed in support thereof shall be retained by the State Board of Health.
4. Licenses issued under these regulations shall expire and become invalid at midnight of the expiration date.

103.02 Qualifications for Licensure:

1. Education

- a. Education qualifications deemed equivalent to those specified in Section 73-38-9 shall be at least a master's degree, e.g., M.S., M.A., or M.Ed., with major emphasis in speech-language pathology, audiology, communicative disorders, or speech and hearing science from an institution recognized by the State Board of Health.
- b. Institutions recognized by the State Board of Health within the meaning of Section 73-38-9 shall be those institutions with academic programs accredited by the American Speech-Language-Hearing Association or any other national accrediting body deemed appropriate by the Board.

2. Supervised Professional Employment

The applicant must have obtained the equivalent of nine (9) months of full-time professional experience (the Supervised Professional Employment) in which bona fide clinical work has been accomplished in the major professional area (speech-language pathology or audiology) in which the license is being sought. Full-time employment is defined as a

minimum of thirty (30) clock hours of work a week. For applicants awarded a master(s degree, the Supervised Professional Employment Plan (SPEP) must begin after the degree has been awarded. For applicants awarded a doctoral degree, the Supervised Professional Employment Plan requirement may be met prior to awarding of the degree, provided the equivalent of the Supervised Professional Employment Plan is an integral part of the course of study which leads to the awarding of a doctoral degree. For applicants awarded a doctoral degree from institutions that do not incorporate the equivalent of the Supervised Professional Employment Plan into the degree-granting process, the Supervised Professional Employment Plan must begin after the degree has been awarded.

Professional experience is construed to mean direct clinical work with patients, consultations, record keeping, or any other duties relevant to a bona fide program of clinical work. Eighty percent (80%) of full-time clinical experience and one hundred percent (100%) of part-time clinical experience will be in direct clinical contact with persons who have communication handicaps. Time spent in supervision of students, academic teaching, and research, as well as administrative activity that does not deal directly with management programs of specific patients or clients will not be counted as professional experience in this context.

An applicant desiring to complete the Supervised Professional Employment Experience must apply to the Board for a temporary license on a form available from the Board and must demonstrate that he is or will be supervised according to Section 103.05 of these regulations.

3. The National Examinations In Speech-Language Pathology and Audiology:

The applicant must have passed a National Examination in Speech-Language Pathology and Audiology, either the National Examination in Speech-Language Pathology or the National Examination in Audiology. Each year at its first meeting, the Advisory Council will recommend to the State Board of Health a passing score for the coming year.

103.03 Licensure by Reciprocity An applicant for licensure by reciprocity shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant has met all requirements set forth in section 103.01 and 103.02 of these regulations.

103.04 Temporary License:

1. A temporary license to practice as a speech-language pathologist or audiologist may be granted to an applicant for licensure meeting the requirements of section 103.01 and section 103.02 who has or has not

taken the approved examination or who is entering the supervised professional employment plan subject to the conditions of section 103.05.

2. A temporary license must be issued prior to the beginning of the supervised professional employment plan.

103.05 Conditions of Temporary Licensure:

1. A temporary license shall be issued for one 2-year period only beginning on the date of issuance. All regular license requirements must be completed and submitted to the department during the temporary licensure period. Supervision must be maintained according to the Supervised Professional Employment Plan (SPEP) agreement until the temporary license is upgraded to a regular license by the department.
2. A temporary licensee shall restrict his practice setting to the State of Mississippi.
 - a. A temporary licensee in a department approved SPEP shall practice under the supervision of a current licensee holding a corresponding, regular license issued by the department.
 - b. A temporary licensee in an employment setting that is exempt from licensure under (73-38-7 of the Code and who is engaged in a department approved SPEP shall practice under the supervision of a current, licensee holding a corresponding, regular license issued by the department.
 - c. A temporary licensee may practice only in the practice setting listed in the department approved SPEP.
 - d. A temporary licensee may not supervise any other licensee or registered aide.
3. Documentation in form and substance acceptable to the Department that the conditions of section 103.05(2) have been met must be on file with the Department before a temporary license will be issued.
4. A temporary license will not be issued to any individual who has had a temporary license revoked pursuant to the provisions of these regulations.
5. Any person who has completed the Supervised Employment Experience and who has taken but not passed the required examination in another jurisdiction shall not be eligible for a license of any type until an approved examination is passed.

- 103.06 **Abandonment** An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

104 **PROFESSIONAL IDENTIFICATION**

- 104.01 **Production and Display of License** A person licensed to practice speech-language pathology or audiology in Mississippi shall be issued a "Certificate of Licensure" and "License Identification Card." The licensee shall prominently display the "Certificate of Licensure" or copy thereof at their place(s) of employment. The licensee shall carry the "License Identification Card" when providing services and show said ID card when requested.

105 **RENEWAL OF LICENSE**

105.01 **General Provisions:**

1. The Board shall issue regular licenses which shall be renewed prior to the expiration date of the license.
2. The licensure period shall be construed as July 1 through June 30 with all regular licenses expiring at midnight on June 30 of even-numbered years.

- 105.02 **Procedure for Renewal of License** The Department shall mail notices approximately sixty (60) days prior to the license expiration date to the last home address registered with the Department, to the persons to whom licenses were issued or renewed during the preceding licensure period. The licensee shall:

1. complete the renewal form;
2. submit proof of continuing education credit as detailed in Section 106 of these regulations;
3. enclose the renewal fee; and
4. file the above with the Department prior to the licensure expiration date.
5. Renewal applications filed or postmarked after the licensure expiration date are subject to a late renewal penalty of \$50.00.

- 105.03 **Failure to Renew** A licensee who does not file, with the Department, renewal requirements prior to licensure expiration will be deemed to have allowed his license to lapse. Failure to submit all renewal requirements postmarked on or before September 30 shall result in the necessity of the payment of a (renewal (, the (late renewal penalty (, and the (license issued after the expiration date (fee. Said license may be reinstated by the Department, in its discretion, by the payment of the "renewal," the "late renewal penalty", and the "license issued

after expiration date" fees, and the required continuing education hours provided said application for reinstatement is made within two (2) years after its last expiration date.

A license may not be reinstated after having lapsed for two (2) consecutive years. A new application must be made and the licensure regulations in effect at the time of application must be met.

106 CONTINUING EDUCATION

- 106.01 Definition and philosophy** Each individual licensed as a speech-language pathologist or audiologist is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge.

Continuing education is defined as education beyond the basic preparation required for entry into the profession, directly related to the performance and practice of speech-language pathology or audiology. Relevancy of continuing education hours will be determined by the department with the advice of the council.

Pursuant to (73-38-33 of the Mississippi Code 1972 Annotated, continuing education is mandatory.

106.02 Requirements:

1. Regulations set the requirement of 20 contact hours (CH) or 2 Continuing Education Units (CEU) to be accrued during the licensing term. No carryover of continuing education hours from one licensure period to another shall be allowed. At least fifty (50) percent (10 Contact Hours or 1 CEU) of the continuing education requirement must be directly related to the clinical practice of speech-language pathology or audiology.
2. Individuals applying for initial licensure within a licensing term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.
3. Individuals holding a temporary license must meet the same CEU requirements as regularly licensed practitioners.
4. Persons who fail to accrue the required continuing education hours shall be issued a CE probationary license for the licensure term. Failure to accrue the required hours during the CE probationary period will result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous licensure period, and then applied to the current (CE probationary) licensing period.

CE probationary licenses will be issued for one licensure term only. No ensuing license may be CE probationary as a result of not meeting continuing education requirements.

NOTE: Reinstatement of a license revoked for failure to meet continuing education requirements is subject to the discretion of the Department. If said license is permitted to be reinstated, payment of the "renewal," the "late renewal payment penalty", and the "license issued after expiration date" fees as stated in Section 111 of these regulations will be required before licensure may be reinstated.

106.03 Content Criteria: The content must apply to the field of speech-language pathology or audiology and performance and must be designed to meet one of the following goals:

1. Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.
2. Allow the licensee to enhance his knowledge and skills.
3. Provide opportunities for interdisciplinary learning.
4. Extend limits of professional capabilities and opportunities.
5. Facilitate personal contributions to the advancement of the profession.

106.04 Sources of Continuing Education (Revised 1/14/09) Only courses/providers of CE courses approved by one of the organizations listed in section 106.04(1) (a) will be accepted as continuing education for licensure renewal purposes. A course not approved by an organization listed in this section of the regulations may be reviewed by the department prior to attendance at the course. Contact the department for information.

Continuing education hours may be accrued from the following sources, when the content of the programs relates to the profession of speech-language pathology or audiology:

1. Attendance at educational programs:
 - a. attendance at educational programs where continuing education credit is given and approved by the American Speech-Language Hearing Association (ASHA), including other state association educational programs;
 - b. attendance at educational programs where continuing education credit is given and approved by the American Medical Association (AMA) and its components;

- c. attendance at educational programs where continuing education credit is given and approved by accredited universities.
 - d. attendance at educational programs where continuing education credit is given and approved by the Academy of Dispensing Audiologists.
 - e. attendance at educational programs where continuing education credit is given and approved by the American Academy of Audiology.
 - f. attendance at educational programs where continuing education credit is given and approved by the American Auditory Society.
 - g. attendance at educational programs where continuing education credit is given and approved by licensure authorities for speech-language pathology or audiology of other states or territories of the United States or the District of Columbia.
 - h. attendance at other programs approved for continuing education credit by ASHA, AMA, or their components.
2. Presentations, made before recognized groups of speech-language pathologists or audiologists, medical practitioners, or other health related professionals, rather than civic groups, and directly related to the profession of speech-language pathology or audiology. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Department thirty (30) days prior to the presentation date. Notice of approval or disapproval will be sent following a review by the Department. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations.
 3. Academic course work taken after successful completion of the master's degree licensure requirement and taken for credit from a regionally accredited college or university. The courses must relate to the clinical practice of speech-language pathology or audiology. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. Courses must be on the graduate level. A minimum grade of "C" is needed for CE purposes
 4. Online or Home Study Courses:
 - a. One hundred percent (100%) of the total required hours may be accrued through online or home study courses.
 - b. Correspondence courses are not considered self-study.

- c. Courses must be approved by one of the organizations listed in section 106.04(1) (a) of these regulations.
- 5. Teleconferences approved by a provider listed under Section 106.04(1) (a) of these regulations. Viewing of taped teleconferences is not acceptable unless authorized by the provider in writing.
- 6. Publication in a professional, refereed journal. Licensee must be the principal author. A maximum of 30% of the total CE requirement may be accrued through publication.
- 7. Specific UNACCEPTABLE activities include:
 - a. All in-service programs not approved under Section 106.04(1) (a) of these regulations.
 - b. Orientation to specific work-site programs dealing with organizational structures, processes, or procedures.
 - c. Meetings for purposes of policy decision.
 - d. Non-educational meetings at annual conferences, chapter, or organizational meetings.
 - e. Entertainment or recreational meetings or activities.
 - f. Committee meetings, holding of office, serving as an organizational delegate.
 - g. Visiting exhibits.
 - h. CPR education.
 - i. Self-directed studies other than those previously outlined.

106.05 Reporting Procedures for Continuing Education Continuing education credit must be awarded by the approved program provider on a form furnished by the program provider. Proof of program approval by an organization listed in section 106.0(1) (a) must be submitted with the certificate if a recognized approval source is not evident on the CE certificate.

It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

- 1. Attendance at seminars, workshops, presentations, etc., approved by one of the providers listed in Section 106.04(1) (a): Certificate of attendance or completion must be submitted during the licensure renewal period (must

include source, number of continuing education hours and date of attendance).

2. Credit for presentations: Submit a copy of the Department's approval letter.
3. Academic course work credits must meet the content criteria in Section 106.03, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report. A minimum course grade of "C" is required for CE credit.
4. Home Study Course: A certificate of completion must be submitted to receive continuing education credit.
5. Teleconferences: A certificate of completion from the approved provider of the teleconference.
6. Publication: A copy of the article and the name, volume, page number, etc. of the journal in which the article was published.

107 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE

107.01 Standards of Conduct: Licensees subject to these regulations shall conduct their activities, services, and practice in accordance with this section. Licensees may be subject to the exercise of the disciplinary sanctions enumerated in Section 107.06 of these regulations if the Board finds that a licensee is guilty of any of the following:

1. Negligence in the practice or performance of professional services or activities.
2. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities.
3. Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same.
4. Being convicted of any crime which has a substantial relationship to the licensee's activities and services or an essential element of which is misstatement, fraud, or dishonesty.
5. Being convicted of any crime which is a felony under the laws of this state or the United States.
6. Engaging in or permitting the performance of unacceptable services personally or by others working under the licensee's supervision due to the

licensee's deliberate or negligent act or acts or failure to act, regardless of whether actual damage or damages to the public is established.

7. Continued practice although the licensee has become unfit to practice as a speech language-pathologist or audiologist due to:
 - a. failure to keep abreast of current professional theory or practice; or
 - b. physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or
 - c. addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice.
8. Having disciplinary action taken against the licensee's license in another state.
9. Making differential, detrimental treatment against any person because of race, color, creed, sex, religion, or national origin.
10. Engaging in lewd conduct in connection with professional services or activities.
11. Engaging in false or misleading advertising.
12. Contracting, assisting, or permitting unlicensed persons to perform services for which a license is required under these regulations.
13. Violation of any probation requirements placed on a license by the Board.
14. Revealing confidential information except as may be required by law.
15. Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee.
16. Charging excessive or unreasonable fees or engaging in unreasonable collection practices.
17. For treating or attempting to treat ailments or other health conditions of human beings other than by speech or audiology therapy as authorized by these regulations.
18. For applying or offering to apply speech or audiology, exclusive of initial evaluation or screening and exclusive of education or consultation for the prevention of physical and mental disability within the scope of speech or audiology therapy, or for acting as a speech- language pathologist or

audiologist, or speech-language pathologist or audiologist aide other than under the direct, on-site supervision of a licensed speech-language pathologist or audiologist.

19. Violations of the current codes for speech-language pathologists or audiologists, and speech-language pathologist or audiologist assistants adopted by the American Speech-Language-Hearing Association.
20. Violations of any rules or regulations promulgated pursuant to these regulations.
21. Has engaged in any conduct considered by the Board to be detrimental to the profession of speech-language pathology or audiology.
22. The Board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Section 107.02 of these regulations.

107.02 Rules For Professional Conduct:

1. **Preamble** The preservation of the highest standards of integrity and ethical principles is vital to the successful discharge of the professional responsibilities of all speech-language pathologists and audiologists. These Rules of Professional Conduct have been promulgated by the State Board of Health in an effort to stress the fundamental rules considered essential to this basic purpose. Any action that is in violation of the spirit and purpose of these Rules shall be considered unethical. Failure to specify any particular responsibility or practice in these Rules should not be construed as denial of the existence of other responsibility or practices.

The fundamental rules of ethical conduct are described in three categories: Principles of Ethics, Ethical Proscriptions, and Matters of Professional Propriety.

2. **Principles of Ethics:** Five Principles serve as a basis for the ethical evaluation of professional conduct and form the underlying moral basis for these Rules. Individuals subscribing to these Rules shall observe these principles as affirmative obligations under all conditions of professional activity.
3. **Ethical Proscriptions** Ethical Proscriptions are formal statements of prohibitions that are derived from the Principles of Ethics.
4. **Matters of Professional Propriety:** Matters of Professional Propriety represent guidelines of conduct designed to promote the public interest

and thereby better inform the public and particularly the persons in need of speech-language pathology and audiology services as to the availability and the rules regarding the delivery of those services.

5. Principles of Ethics I:

- a. Individuals shall hold paramount the welfare of persons served professionally.
- b. Individuals shall use every resource available, including referral to other specialists as needed, to provide the best service possible.
- c. Individuals shall fully inform persons served of the nature and possible effects of the services.
- d. Individuals shall fully inform persons participating in research or teaching activities of the nature and possible effects of these activities.
- e. Individuals' fees shall be commensurate with services rendered.
- f. Individuals shall provide appropriate access to records of persons served professionally.
- g. Individuals shall take all reasonable precautions to avoid injuring persons in the delivery of professional services.
- h. Individuals shall evaluate services rendered to determine effectiveness.

6. Ethical Proscriptions:

- a. Individuals must not exploit persons in the delivery of professional services, including accepting persons for treatment when benefit cannot reasonably be expected or continuing treatment unnecessarily.
- b. Individuals must not guarantee the results of any therapeutic procedures, directly or by implication. A reasonable statement of prognosis may be made, but caution must be exercised not to mislead persons served professionally to expect results that cannot be predicted from sound evidence.
- c. Individuals must not use persons for teaching or research in a manner that constitutes invasion of privacy or fails to afford informed free choice to participate.
- d. Individuals must not evaluate or treat speech, language, or hearing disorders except in a professional relationship. They must not evaluate or treat solely by correspondence. This does not preclude

follow-up correspondence with persons previously seen, or providing them with general information of an educational nature.

- e. Individuals must not reveal to unauthorized persons any professional or personal information obtained from the person served professionally, unless required by law or unless necessary to protect the welfare of the person or the community.
- f. Individuals must not discriminate in the delivery of professional services on any basis that is unjustifiable or irrelevant to the need for and potential benefit from such services, such as race, sex, or religion.
- g. Individuals must not charge for services not rendered.

7. Principle of Ethics II:

- a. Individuals shall maintain high standards of professional competence.
- b. Individuals engaging in clinical practice shall possess appropriate qualifications as stated in Section 73-38-9.
- c. Individuals shall continue their professional development throughout their careers.
- d. Individuals shall identify competent, dependable referral sources for persons served professionally.
- e. Individuals shall maintain adequate records of professional services rendered.

8. Ethical Proscriptions:

- a. Individuals must provide neither services nor supervision of services for which they have not been properly prepared, not permit services to be provided by any of their staff who are not properly prepared.
- b. Individuals must not provide clinical services by prescription of anyone who does not hold a license in speech-language pathology or audiology.
- c. Individuals must not delegate any service requiring the professional competence of a licensed clinician to anyone unqualified.
- d. Individuals must not offer clinical services by supportive personnel for whom they do not provide appropriate supervision and assume full responsibility.

- e. Individuals must not require anyone under their supervision to engage in any practice that is a violation of the Rules for Professional Conduct.
- 9. Principle of Ethics III Individuals' statements to persons served professionally and to the public shall provide accurate information about the nature and management of communicative disorders, and about the profession and services rendered by its practitioners.
- 10. Ethical Proscriptions:
 - a. Individuals must not misrepresent their training or competence.
 - b. Individuals' public statements providing information about professional services and products must not contain representations or claims that are false, deceptive, or misleading.
 - c. Individuals must not use professional or commercial affiliations in any way that would mislead or limit services to persons served professionally.
- 11. Matters of Professional Propriety Individuals should announce services in a manner consonant with highest professional standards in the community.
- 12. Principle of Ethics IV:
 - a. Individuals shall maintain objectivity in all matters concerning the welfare of persons served professionally.
 - b. Individuals who dispense products to persons served professionally shall observe the following standards:
 - i. Products associated with professional practice must be dispensed to the person served as a part of program of comprehensive habilitative care.
 - ii. Fees established for professional services must be independent of whether a product is dispensed.
 - iii. Persons served must be provided freedom of choice for the source of services and products.
 - iv. Price information about professional services rendered and products dispensed must be disclosed by providing to or posting for persons served a complete schedule of fees and charges in advance of rendering services, which schedule differentiates

between fees for professional services and charges for products dispensed.

- v. Products dispensed to the person served must be evaluated to determine effectiveness.
13. Ethical Proscriptions: Individuals must not participate in activities that constitute a conflict of professional interest.
 14. Matters of Professional Propriety:
 - a. Individuals should not accept compensation for supervision or sponsorship of a person holding a temporary license who is completing the supervised professional employment requirement for licensure as stated in Section 73-38-5. He may, however, accept reasonable reimbursement for expenses incurred during this supervision or a consultant fee from the employer of the temporary licensee.
 - b. Individuals should present products they have developed to their colleagues in a manner consonant with highest professional standards.
 15. Principle of Ethics V Individuals shall honor their responsibilities to the public, their profession, and their relationships with colleagues and members of allied professions.
 16. Matters of Professional Propriety:
 - a. Individuals should seek to provide and expand services to persons with speech, language, and hearing handicaps as well as to assist in establishing high professional standards for such programs.
 - b. Individuals should educate the public about speech, language, and hearing processes, speech, language, and hearing problems, and matters related to professional competence.
 - c. Individuals should strive to increase knowledge within the profession and share research with colleagues.
 - d. Individuals should establish harmonious relations with colleagues and members of other professions, and endeavor to inform members of related professions of services provided by speech-language pathologists and audiologists, as well as seek information from them.
 - e. Individuals should assign credit to those who have contributed to a publication in proportion to their contribution.

107.03 Summary Suspension

1. The Department may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:
 - a. the health, safety, or welfare of the general public is in immediate danger; or
 - b. the licensee's physical capacity to practice his/her profession is in issue; or
 - c. the licensee's mental capacity to practice his/her profession is in issue.
2. If the Board summarily suspends a license, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the licensee.

107.04 Complaints All complaints concerning a licensee, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. licensee's name
2. name of the complaining party, if known;
3. date of complaint;
4. brief statement of complaint; and
5. disposition.

107.05 Investigation All complaints will be investigated and evaluated by Department.

107.06 Notice of Charges and Hearing

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.
2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least twenty (20) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known

address as listed with the Department. The notice of the formal hearing shall consist at a minimum of the following information:

- a. the time, place and date of hearing;
 - b. that the licensee shall appear personally at the hearing and may be represented by counsel;
 - c. that the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;
 - d. that the hearing could result in disciplinary action being taken against the licensee's license;
 - e. that rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and
 - f. that the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.
3. The Board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Section 107.02 of these regulations.
 4. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.
 5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.
 6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

107.07 Sanctions The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee or applicant for license is guilty of any violations of the practice act or any lawful order, rule or regulation rendered or adopted by the Board:

1. Revoke the license.

2. Suspend the license, for any period of time.
3. Censure the licensee.
4. Impose a monetary penalty of not more than Two Hundred Dollars (\$200.00).
5. Place a licensee on probationary status and require the licensee to submit to any of the following:
 - a. report regularly to the Department, or its designee, upon matters which are the basis of probation;
 - b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or
 - c. such other reasonable requirements or restrictions as are proper.
6. Refuse to renew a license.
7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.
8. The Board may reinstate any licensee to good standing under this chapter if, after hearing, the board is satisfied that the applicant's renewed practice is in the public interest.
9. The Board may seek the counsel of the Council regarding disciplinary actions.

107.08 Criteria For Rehabilitation Upon the suspension or revocation of a license on the grounds that the licensee has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his eligibility for licensure, will consider the following:

1. The nature and severity of the act(s) which resulted in the suspension or revocation of his license.
2. The extent of time elapsed since the commission of the act(s) which resulted in the suspension or revocation.
3. Whether he has committed any act(s) which if done by a licensee would be grounds for suspension or revocation of a license since the date of suspension or revocation.

4. Whether he has done any act(s) involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or another, or substantially injure another since the date of the suspension or revocation.
5. Whether he has complied with any or all conditions or probation or restitution, or any other civil or criminal sanction imposed against him as a result of the act(s) including such administrative penalties and conditions or probation as have been imposed on him by the Board; and
6. Such other evidence of rehabilitation as the person may submit.

107.09 **Appeals** Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

108 EXCEPTIONS AND EXEMPTIONS

108.01 **Persons and Practices Exempt** Nothing in this chapter shall be construed as preventing or restricting:

1. A physician from engaging in the practice of medicine in this state, or a person using an audiometer to test hearing under the direct supervision of a licensed physician, provided such person does not present himself to the public by any title or description of services incorporating the words "audiologist," "hearing clinician," "hearing therapist," or any similar title or description of services;
2. Any person licensed as a hearing aid dispenser from measuring and testing hearing in relation to the fitting, usage and dispensing of hearing aids or rendering post fitting services to his clients or using any title provided in Sections 73-14-1 through 73-14-47;
3. Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed;
4. A person from being employed or working in a volunteer capacity without a license, as provided in this chapter, as a speech-language pathologist or audiologist by the government of the United States or by the governing authority of any school district or private or parochial school in this state, if such person performs speech-language pathology or audiology services solely within the confines or under the jurisdiction of the organization by which he is employed, or working in a volunteer capacity; however, such person may, without obtaining a license under this chapter, consult with or disseminate his research findings and other scientific information to speech-language pathologists and audiologists outside the jurisdiction of the organization by which he is employed; such person may also offer lectures to the public for a fee, monetary or other, without being licensed

under this chapter; such person may additionally elect to be subject to this chapter.

5. The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology at a college or university if such activities and services constitute a part of the supervised course of study and that such person is designated speech-language pathology intern, speech-language pathology trainee, or by other such titles clearly indicating the training status appropriate to his level of training;
6. The activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university if such activities and services constitute a part of a supervised course of study and such person is designated audiology intern, audiology trainee, or by any other such titles clearly indicating the training status appropriate to his level of training; or
7. The performance of speech-language pathology or audiology services in this state by any person not a resident of this state who is not licensed under this chapter if such services are performed for no more than five (5) days in any calendar year and in cooperation with a speech-language pathologist or audiologist licensed under this chapter, and if such person meets the qualifications and requirements for application for licensure described in subsections (a) through (c) of Section 73-38-9; however, a person not a resident of this state who is not licensed under this chapter, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by Section 73-38-9, or who is the holder of the ASHA Certificate of Clinical Competence in Speech-Language Pathology or Audiology or its equivalent, may offer speech-language pathology or audiology services in this state for no more than thirty (30) days in any calendar year if such services are performed in cooperation with a speech-language pathologist or audiologist licensed under this chapter; or
8. Any person employed by a private industry or firm for the purpose of conducting hearing tests incident to the operations of such firm or industry relative to its employees and employment practices.

108.02 **Good Samaritan Act:**

[LEFT BLANK ON PURPOSE]

109 **REGULATIONS GOVERNING REGISTRATION OF SPEECH-LANGUAGE PATHOLOGY AIDES/AUDIOLOGY AIDES**

- 109.01 **Purpose** The purpose of these regulations is to set minimum qualifications for the registration of speech-language pathology and audiology aides by the State Board of Health; to provide qualifications for registration; to provide the

method of supervision of aides by speech-language pathologists or audiologists; to provide for the denial, suspension and revocation of such registration; to provide for the denial, suspension and revocation of licenses of speech-language pathologists and audiologists employing or supervising speech-language pathology or audiology aides; and for related purposes.

109.02 **Legal Authority** The Legislation Governing Speech-Language Pathologists/Audiologists, Section 73-38-1, et seq., of the Mississippi Code of 1972, provides the legal authority under which the State Board of Health, established and empowered by Section 41-3-1, et seq., Mississippi Code of 1972, and the State Department of Health, established by section 41-3-15, Mississippi Code of 1972, are authorized to establish regulations necessary to carry out the mandates of the Legislation Governing Speech-Language Pathologists/Audiologists.

109.03 **Definitions:**

1. **Board** means the Mississippi State Board of Health.
2. **Department** means the Mississippi State Department of Health.
3. **Council** means the Mississippi Council of Advisors in Speech-Language Pathology and Audiology as established in Section 73-38-11.
4. **Person** means any individual, organization, or corporate body. However, only an individual may be registered under the Legislation Governing Speech-Language Pathologists/Audiologists.
5. **Speech-language pathologist** means an individual who practices speech-language pathology and who presents oneself to the public by any title or description of services incorporating the words "speech-language pathologist," "speech pathologist," "speech therapist," "speech correctionist," "speech clinician," "language pathologist," "language therapist," "logopedist," "communicologist," "voice therapist," "voice pathologist," or any similar title or description of services.
6. **Speech-language pathology** means the application of principles, methods and procedures for the measurement, testing, evaluation, prediction, counseling, instruction, habilitation or rehabilitation related to the development and disorders of speech, voice, language, swallowing or feeding, or for the purpose of evaluating, preventing, ameliorating or modifying such disorders and conditions in individuals and/or groups of individuals.
7. **Audiologist** means an individual who practices audiology and who presents oneself to the public by any title or description of services incorporating the words "audiologist," "hearing clinician," "hearing therapist," or any similar title or description of service.

8. **Audiology** means the application of principles, methods and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation or rehabilitation related to disorders of hearing and balance for the purpose of evaluating, identifying, preventing, ameliorating or modifying such disorders and conditions in individuals and/or groups of individuals; and for the purpose of this subsection the words "habilitation" and "rehabilitation" include, but are not limited to, hearing aid dispensing and evaluation, auditory training, and speech reading.
9. **Speech-language pathology aide** means an individual who meets minimum qualifications set in these regulations, and who works under the supervision of a licensed speech-language pathologist.
10. **Audiology aide** means an individual who meets minimum qualifications set in these regulations, and who works under the supervision of a licensed audiologist.
11. **Licensed** means licensed by the Mississippi State Department of Health to practice speech-language pathology or audiology.
12. **Registrant** means an individual registered as a speech-language pathology or audiology aide.
13. **Supervising Licensee** means the licensed speech-language pathologist or licensed audiologist authorized to supervise a registered aide as stated on the aide registration form filed with the Department.

109.04 **Powers and Duties of the Department:**

To aid the state's attorneys of the various counties in the enforcement of the provisions of the Legislation Governing Speech-Language Pathologists/Audiologists and the prosecution of any violations thereof. In addition to the criminal penalties provided by the Legislation Governing Speech-Language Pathologists/Audiologists, the civil remedy of injunction shall be available to restrain and enjoin violations of any provisions of that law without proof of actual damages sustained by any person.

To determine the qualifications and eligibility of applicants for registration as speech-language pathology and audiology aides in this state.

To issue, renew, deny, suspend, or revoke registration of speech-language pathology and audiology aides in this state or otherwise discipline registered speech-language pathology and audiology aides.

To deny, suspend or revoke licensure of speech-language pathologists and audiologists or otherwise discipline licensed speech-language pathologists and audiologists who employ or supervise speech-language pathology or audiology

aides, and who engage in unethical or questionable practices, or who fail to provide appropriate supervision of aides or who have encouraged or participated in any intentional act or omission that caused or assisted their aides to violate these regulations and/or any law, including but not limited to, Section 73-14-1, et seq. of the Mississippi Code of 1972 as amended which is generally known as the "Hearing Aid Dealers Licensing Act".

To investigate alleged or suspected violations of the provisions of the Legislation Governing Speech-Language Pathologists/Audiologists or other laws of this state pertaining to speech-language pathology and audiology aides and these regulations.

To maintain a register listing the name of every speech-language pathology and audiology aide registered in this state, his/her last known place of business and last known place of residence, and the date and number of his/her registration. Such a list shall be available to any person upon application to the department and payment of such charges as may be fixed by it.

To be responsible for all disputed matters involving whether an applicant shall be registered.

109.05 **Registration**

1. **Application for Registration** An application for registration for a speech-language pathology or audiology aide shall be submitted by the supervising licensee to the State Department of Health at its principal office in Jackson, Mississippi, on an application form provided by the Department. Every application shall be typed or written in ink, the signatures notarized and accompanied by the appropriate fee and by such evidence, statements, or documents as herein required.
2. **Abandonment of Application** If the application process for registration is not completed within 6 months, the application shall be considered abandoned, and a new application must be submitted before registration may be granted.
3. **Education Requirements** The educational requirements for registration as a speech-language pathology or audiology aide shall be a minimum of a high school diploma or the equivalent.
4. **General Requirements** The licensed speech-language pathologist or audiologist who registers aides must determine that the applicant:
 - a. Is at least 18 years of age;
 - b. Is of good moral character;
 - c. Has met the minimum educational requirements;

- d. Has adequate communication skills and the ability to relate to the clinical population;
 - e. Has paid an application fee;
 - f. Works under the supervision of a licensed speech-language pathologist or audiologist according to a supervision plan approved by the department; and
 - g. Shall be registered by the department. No examination shall be required for registration.
5. **Supervision Requirements** A licensed speech-language pathologist or audiologist may not supervise more than three aides.

The licensee who supervises aides is responsible for the services provided to the client by said aides. The supervising licensee is also responsible for:

- a. The institution of a training program for each aide under his supervision encompassing all the procedures to be performed by the aide. Documentation of such training in form and substance acceptable to the Department shall be retained in the aide's personnel file.
- b. Documentation in form and substance acceptable to the Department of competency in each task performed shall be retained in the aide's personnel file. The competency in this task shall be observed and verified by the licensee.
- c. Insuring that the extent, kind, and quality of functions performed by each aide under supervision are consistent with the training and experience of the aide.
- d. The supervising licensee shall directly observe the first five (5) hours while the aide works with clients. Thereafter, the supervising licensee shall directly observe the aide during twenty percent (20%) of the time that the aide works with clients per week, to be documented weekly in the aide's personnel file. At all other times that the aide is working, the licensee must be accessible and available to the aide.
- e. Insuring that each aide under his supervision complies with the provisions of the Regulations Governing Licensure of Speech-Language Pathologists and Audiologists.

109.06 **Renewal of Registration:**

1. **Report** Prior to the expiration date of an aide's registration, every licensed speech-language pathologist or audiologist who is supervising or who has supervised any aide during the registration period shall submit to the State Department of Health, on a form provided by the Department: (1) a report for the previous registration period showing the nature and extent of the functions performed by each aide supervised; and 2) the renewal fee for aide registration.

109.07 **Notice of Termination:**

Within 7 days after the termination of the supervision of a speech-language pathology or audiology aide, the supervising licensee shall notify the State Department of Health, in writing, of such termination and the date of termination and return the certificate of registration to the department.

Failure of a supervising licensee to comply with the provisions of this section may result in disciplinary action pursuant to these regulations.

- 109.08 **Fees:** The supervising licensee shall be responsible for ensuring that the aide's renewal application and the prescribed fee have been submitted to the Department for each aide supervised.

The following fees are payable to the State Department of Health:

1. Initial registration - \$50.00
2. Renewal of registration - \$50.00

- 109.09 **Roles and Responsibilities of Licensees and Registrants** Within the provision of speech-language pathology or audiology service there are two recognized levels of personnel: the professional speech-language pathologist or audiologist who is licensed to practice speech-language pathology and audiology; and the speech-language pathology or audiology aide who is registered, but is usually an on-job-trained individual who provides support activities for the speech-language pathologist or audiologist. The speech-language pathologist or audiologist shall assume primary responsibility for speech-language pathology and audiology care rendered by the licensee and his/her aide.

109.10 **Duties of the Speech-Language Pathology or Audiology Aide**

1. Aides shall be clearly identified as aides by means of a nametag or other appropriate identification at all times. The supervising licensee shall obtain the written consent of the consumer prior to client services being performed by an aide as part of a treatment plan. The consent form shall also be signed by the aide and the licensee and retained together in one (1)

clearly marked file in the principal business office of the licensee and available for review and inspection by the Department. All documents signed by an aide must clearly identify the individual as an aide.

Training in professional behavior must be completed. For example, the confidentiality of patient information should be discussed.

2. Duties of the speech-language pathology aide may include the following (other activities are considered the practice of the licensed speech-language pathologist):
 - a. Routine paperwork (case history, permission to test, insurance, scheduling, billing, etc.).
 - b. Administer self-questionnaires to clients (paper and pencil or computerized).
 - c. Demonstrate any computerized testing/therapy materials the clinician utilizes.
 - d. Set up office room for therapy or testing (this includes any equipment assembly as for a nasometer, visipitch or IBM speech viewer).
 - e. Biologically calibrate equipment.
 - f. Display knowledge of universal body precautions and use of personal protective barriers.
 - g. Except for the purposes of dispensing hearing aids, do mass auditory screening (such as those done in a public school with an audiometer).
 - h. Record keeping during therapy procedures.
 - i. Disinfect materials or items used in testing or therapy (equipment, furniture, etc.) after every client/patient visit.
 - j. Assist client in use of augmentative communication devices.
 - k. Demonstrate communication boards. This includes client interaction.
 - l. Some speech-language activities such as repetitive drills are routinely assigned to a parent, caretaker, or significant other for stabilization/generalization purposes. This is done after the speech-language pathologist has introduced and taught the client the target sound or language concept. These types of drill activities are allowed.
 - m. Demonstrate an electrolarynx. The aide is restricted to self demonstration.

- n. Participate in behavior modification programming.
 - o. Speech-language pathology aides may not be responsible for or perform diagnostic or evaluative procedures nor those activities listed as "Speech-language pathology" in Section 73-38-3 of the Mississippi Code of 1972 Annotated.
3. Duties of the audiology aide may include the following (other activities are considered the practice of the licensed audiologist):
- a. Routine paper work (case history, permission to test, insurance, scheduling, billing, etc.).
 - b. Demonstrate assistive listening devices.
 - c. Perform minor troubleshooting on hearing aids/assistive listening devices.
 - d. Except for the purpose of dispensing hearing aids, make ear molds/impressions after ears are "visually inspected" by the physician or the licensed audiologist.
 - e. Administer self-questionnaires to clients (paper and pencil or computerized).
 - f. Demonstrate any computerized testing/therapy materials that the clinician utilizes.
 - g. Set up office room or prepare client/patient for therapy or testing (this includes any equipment assembly as for an otoscope), or patient preparation work for electrophysiological measures.
 - h. Biologically calibrate equipment.
 - i. Display knowledge of universal body precautions and use of personal protective barriers.
 - j. Record keeping during audiometric or therapy procedures.
 - k. Provide assistance to the audiologist who shall perform the pediatric auditory testing or sound field testing.
 - l. Disinfect materials or items used in testing or therapy (equipment, furniture, specula, etc.) after every client/patient visit.
 - m. Take sound intensity readings as with a sound level meter.
 - n. Audiology aides shall not be responsible for or perform a) diagnostic or evaluative procedures and/or b) any activities listed as "Audiology"

in Section 73-38-3 of the Mississippi Code 1972 Annotated and/or c) any procedures that deal with the fitting of hearing aids.

109.11 **Revocation, Suspension, and Denial of Registration**

1. **Standards of Conduct** Aides may, at the discretion of the Board, have their registration suspended, revoked, or denied at the time of renewal if the Board determines that the Aide:
 - a. Was convicted of an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of the court where such conviction occurred or by the judge of that court, shall be sufficient evidence to warrant revocation or suspension.
 - b. Is guilty of securing, or attempting to secure a registration or certificate through fraud or deceit.
 - c. Is guilty of unethical conduct, or gross ignorance, or inefficiency in the conduct of his practice.
 - d. Is guilty of knowingly practicing while suffering with a contagious or infectious disease.
 - e. Has used a false name or alias in the practice of his profession.
 - f. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetence.
 - g. Is habitually intemperate in the use of alcoholic beverages.
 - h. Is addicted to, or has improperly obtained, possessed, used or distributed, habit-forming drugs or narcotics.
 - i. Has practiced as an aide after his registration or permit has expired or has been suspended.
 - j. Has practiced as an aide under cover of any permit or registration illegally or fraudulently obtained or issued.
 - k. Has violated or aided or abetted others in violation of any provision of the Act or regulations promulgated thereto.
 - l. Has engaged in any conduct considered by the Board to be detrimental to the profession of speech-language pathology or audiology.
 - m. Has violated the provisions of any applicable federal laws or regulations.

- n. Has been disciplined by another jurisdiction if at least one (1) of the grounds for the discipline is the same or substantially equivalent to those set forth in the Act or rules and regulations promulgated pursuant to the Act.

2. **Summary Suspensions**

- a. The Department may summarily suspend a registration without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:
 - i. The health, safety, or welfare of the general public is in immediate danger; or
 - ii. The aide's physical capacity to practice his profession is in issue; or
 - iii. The aide's mental capacity to practice his profession is in issue.
- b. If the Department summarily suspends a registration, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the Aide.

3. **Complaints** All complaints concerning an Aide, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

- a. Aide's and supervisor's name;
- b. Name of the complaining party, if known;
- c. Date of complaint;
- d. Brief statement of complaint; and
- e. Disposition.

4. **Investigations** All complaints will be investigated and evaluated by the Department, or its designee(s).

5. **Notice of Charges and Hearing**

- a. Following the investigative process, the Department may file formal charges against the aide and/or the supervising licensee. Such formal complaint shall, at a minimum, inform the accused of the facts which are the basis of the charge and which are specific enough to enable the accused to defend against the charges.

- b. Each aide and/or supervising licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the accused, shall be served notice of the formal charge at least twenty (20) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the accused, or the notice was mailed certified, return receipt requested, to the accused at the last known address as listed with the Department. The notice of the formal hearing shall consist at a minimum of the following information:
 - i. The time, place and date of hearing;
 - ii. That the accused shall appear personally at the hearing and may be represented by counsel;
 - iii. That the accused shall have the right to produce witnesses and evidence in his behalf and shall have the right to cross-examine adverse witnesses and evidence;
 - iv. That the hearing could result in disciplinary action being taken against the aide's registration and/or the licensee's license;
 - v. That rules for the conduct of these hearings exist and it may be in the accused's best interest to obtain a copy; and
 - vi. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the aide and/or licensee.
- c. The Department may order an aide to submit to a reasonable physical or mental examination if the aide's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a Department order to submit to a physical or mental examination shall render an aide subject to the summary suspension procedures described in these regulations.
- d. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the accused. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.
- e. Disposition of any complaints may be made by consent order or stipulation between the Board and the accused.

- f. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.
6. **Board Sanctions** The Board may impose any of the following sanctions, singularly or in combination, when it finds that an aide is guilty of any of the above offenses:
- a. Revoke the registration;
 - b. Suspend the registration, for any period of time;
 - c. Censure the aide;
 - d. Impose a monetary penalty of not more than two hundred dollars (\$200.00);
 - e. Place an aide on probationary status and require the Aide to submit to any of the following:
 - i. report regularly to the Department, or its designee, upon matters which are the basis of probation;
 - ii. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or
 - iii. such other reasonable requirements or restrictions as are proper;
 - f. Refuse to renew a registration; or
 - g. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.
 - h. The Board may reinstate any aide to good standing under these regulations if, after hearing, the Board is satisfied that the aide's renewed practice is in the public interest.
 - i. The Board may seek the advice of the Council regarding disciplinary actions.
7. **Appeal** Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

110 FEES

110.01 Method of Payment In accordance with the Act, the following non-refundable fees, where applicable, are payable to the Department of Health by check or money order.

110.02 Schedule of Fees

1. Initial Application \$100.00
2. Initial License \$100.00
3. Licensure Renewal \$100.00
4. Late Renewal Penalty \$ 50.00
5. License Issued After Expiration Date \$ 60.00
6. Initial Temporary License \$ 75.00
7. Duplicate License Certificate Fee \$ 25.00
8. ID Card Replacement Fee \$ 10.00
9. License Certificate Replacement Fee \$ 25.00
10. Verification of Licensure Fee \$ 25.00
11. Examination Fee: Contact the Educational Testing Service, National Teachers Examination, in Princeton, NJ, for information regarding the examination and fee.

111 ADMINISTRATIVE GRIEVANCE PROCEDURE

111.01 Administrative Appeals

1. Any person aggrieved by a decision regarding the initial application for licensure or the renewal of licensure shall have the right of a second review by the Director of Professional Licensure and the Council or a designated member of the Council.
2. Any person aggrieved by a decision rendered after the second review shall have the right of administrative appeal and a public hearing to be conducted in accordance with the policies of the Department of Health.

111.02 Notification Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof.

- 111.03 **Hearing** If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.

Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

- 112 **SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT** In addition, the Department is authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.